

Remarks

Introduction

Applicant recognizes the Examiner's indication that claims 33-39 have been withdrawn from examination in view of the Restriction Requirement dated November 6, 2008, but Applicant affirms that claims 33-39 are not cancelled.

Upon entry of the foregoing amendment, claims 21-40 are pending in the application. Claims 21-23, 27, and 29-30 have been amended. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Entry of this Amendment After Final is proper under 37 C.F.R. §1.116 because the claim amendments: (a) place this application in condition for allowance (for the reasons discussed herein), (b) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution as indicated in the Final Office Action), (c) present the rejected claims in better form for consideration on appeal (should an appeal be necessary), and (d) are necessary and were not earlier presented because they are made in response to arguments raised in the Final Office Action.

Accordingly, for at least the reasons discussed above, entry of this Amendment is respectfully requested.

Rejection under 35 USC § 102

Claims 21-24, 34-32 and 40 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,276,314 to Martino et al. (hereinafter "Martino"). Applicant respectfully requests reconsideration and withdrawal of this rejection for at least the following reasons.

Independent Claim 21

Pages 4-5, item 1 of the Final Office Action dated January 22, 2009, states that Martino discloses all of the elements recited in independent claim 21. However, Applicant submits that, as pointed out below, Martino does not teach or disclose the elements as presently recited in independent claim 21. In other words, the Office's rejection is improper because a prima facie case of unpatentability has not been established.

More specifically, Martino does not disclose or suggest, among other things, “such that the matching board moves to allow the certain cell of the matching board to correspond with the first cell of the reference board if the certain cell and the first cell are not already in correspondence with one another,” as presently recited in independent claim 21. Instead, column 3, lines 14-50 and FIGS. 3 and 4 of Martino, as relied upon by the Office Action dated January 22, 2009, appear limited to a process of password authentication involving arranging a plurality of symbols representing a user’s password with a pre-assigned configuration of symbols known as the user’s KEY STATE definition.

That is, Martino’s invention appears to require a user to choose a pre-arranged configuration (i.e., the KEY STATE definition) on a grid. See reference numbers B1, A1, C2 and D1 in FIG. 4 of Martino. Once the KEY STATE definition is chosen and known by the user, the user can press buttons 318A-318H to move symbols on the grid either horizontally or vertically (i.e., the movement of the symbols on the grid is performed one row or column at a time) in order to manually arrange the symbols to correspond to the appropriate locations on the grid as defined in the KEY STATE definition. See FIG. 4 of Martino.

Since Martino appears limited to symbols being moved one row or column at a time in order to arrange the symbols in a pre-determined configuration, Martino does not disclose or suggest, among other things, “such that the matching board moves to allow the certain cell of the matching board to correspond with the first cell of the reference board if the certain cell and the first cell are not already in correspondence with one another,” as presently recited in independent claim 21.

Accordingly, since Martino does not disclose or suggest all of the elements set forth in independent claim 21, a prima facie case for unpatentability has not been established and withdrawal of this rejection and allowance of these claims are respectfully solicited.

Dependent Claims 22-24, 26-32 and 40

With respect to claims 22-24, 26-32 and 40, it is respectfully submitted that for at least the reason that claims 22-24, 26-32 and 40 depend from independent claim 21, which is patentably distinguishable from Martino for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claims 22-24, 26-32 and 40 are also patentably distinguishable from Martino, and withdrawal of this rejection and allowance of these claims are respectfully solicited.

Rejection under 35 USC § 103 to Martino and Nguyen

Claim 25 is rejected under 35 USC §103(a) as being unpatentable over Martino in view of U.S. Patent No. 7,036,091 to Nguyen. Applicant respectfully traverses the above rejection for at least the following reasons, and Applicant submits that the Office's rejection is improper because a prima facie case of obviousness has not been established.

With respect to Nguyen, it is submitted that Nguyen does not satisfy the deficiencies of Martino, and therefore, with respect to claim 25, it is respectfully submitted that for at least the reason that claim 25 depends from independent claim 21, which is allowable over Martino and Nguyen for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claims 25 are also allowable over Martino and Nguyen, and withdrawal of this rejection and allowance of this claim are respectfully solicited.

Rejection under 35 USC § 103 to Martino and Pimpo

Claim 25 is rejected under 35 USC §103(a) as being unpatentable over Martino in view of U.S. Patent No. 6,021,653 to Pimpo. Applicant respectfully traverses the above rejection for at least the following reasons, and Applicant submits that the Office's rejection is improper because a prima facie case of obviousness has not been established.

With respect to Pimpo, it is submitted that Pimpo does not satisfy the deficiencies of Martino, and therefore, with respect to claim 25, it is respectfully submitted that for at least the reason that claim 25 depends from independent claim 21, which is allowable over Martino and Pimpo for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claims 25 are also allowable over Martino and Pimpo, and withdrawal of this rejection and allowance of this claim are respectfully solicited.

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

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Page 11 of 11

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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